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Decl (2)  
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(1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John R. Hackett, Jr.  
et al.

Serial No.: 08/911,824

Filed: August 15, 1997

For: Novel Antigen Constructs  
Useful in the Detection and  
Differentiation of Antibodies  
to HIV

Attorney Docket No.: 6165.US.01

Examiner: Myron G. Hill

Group Art Unit: 1648  
Certificate of Facsimile  
Transmission under 37 CFR §1.8(a):  
I hereby certify that this paper  
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Commissioner for Patents  
Attn: Examiner Myron G. Hill  
Group Art Unit: 1648  
Washington, D.C. 20231

Recipient Telefax Number: (703) 872-9307  
*Kimberly A. Iorio*  
Kimberly A. Iorio

**DECLARATION OF JOHN HACKETT, JR.**  
**PURSUANT TO 37 C.F.R. SECTION 1.132**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, John Hackett, Jr., declare as follows:

1. I am one of the inventors of the above-identified application.

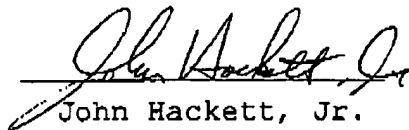
2. I have read the Office Action mailed on May 31, 2002 in connection with the above-identified application. In the Office Action, the Examiner rejected claims 1-2 as being obvious under 35 U.S.C. Section 103(a) in view of Delaporte et al. (AIDS 1996, vol. 10 pages 903-910) (hereinafter "Delaporte").

3. I attempted to verify the publication date of the Delaporte reference. The only information that I was able to ascertain was that this reference was published in July 1996.

4. Except for the sequences of a few primers, Delaporte does not provide any sequence information. On page 905, Delaporte refers to Accession Number X96526. No sequence information relating to this Accession is provided in Delaporte.

5. I located Accession Number X96526 in the EMBL database. I then attempted to determine when this Accession became publicly available. As shown in attached Exhibit A, I learned that Accession Number X96526 became available on August 28, 1996.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
John Hackett, Jr.

10-14-02

Date